

CURRITUCK COUNTY
NORTH CAROLINA
July 16, 2012

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Rorer, Commissioners Gilbert, O'Neal, Etheridge, Aydlett, Martin and Petrey.

A) Invocation

B) Pledge of Allegiance

C) Approval of Agenda

Commissioner Martin moved to approve the agenda.
Commissioner Gilbert seconded the motion. Motion carried.

Public Comment

*Please limit comments to items not appearing on the regular agenda;
please limit comments to 3 minutes.*

Public Hearings

- A) **Public Hearing and Action:** PB 12-13 Crabbies Restaurant: Request to amend the new Unified Development Ordinance Chapter 5: Development Standards and Chapter 10: Definitions and Measurement to allow off-premise directional signs for properties located adjacent to the Atlantic Intracoastal Waterway.
- B) **Public Hearing and Action:** PB 12-05 Currituck County: Request a text amendment to correct and clarify language in the following chapters of the new Unified Development Ordinance: Chapter 2: Administration, Chapter 4: Use Standards, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, Chapter 8: Nonconformities, Chapter 10: Definitions and Measurements.

New Business

- A) **Board Appointments:**
 - 1. Appointment to East Albemarle Regional Library (EARL)
- B) **Consent Agenda:**
 - 1. Grant Project ordinance for 2011 CDBG Scattered Site Housing Grant
 - 2. Charge Levy on Motor Vehicles for March Renewals to Tax Collector
 - 3. Resolution authorizing signatures for CDBG funding requisitions
 - 4. Approval of July 2, 2012 Minutes
- C) Commissioner's Report
- D) County Manager's Report

Closed Session

Pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and to receive advice from the county attorney regarding a potential claim against the county and for the following pending lawsuits: Minnick v. Currituck County et al.; Etheridge v. Currituck County et al.; R.F. London, Inc. v. Currituck County et al. and Freidman et al. v. Currituck County et al.

Adjourn

Public Comment

Please limit comments to items not appearing on the regular agenda; please limit comments to 3 minutes.

Chairman Rorer opened the public comment period.

Tammy Hamilton, member of the Coinjock Post 288 American Legion, requested the Board to amend the ordinance to allow them to continue their turkey shoot and bingo on their site in Coinjock.

There being no further comments, Chairman Rorer closed the public comment period.

Public Hearings

A) Public Hearing and Action: PB 12-13 Crabbies Restaurant: Request to amend the new Unified Development Ordinance Chapter 5: Development Standards and Chapter 10: Definitions and Measurement to allow off-premise directional signs for properties located adjacent to the Atlantic Intracoastal Waterway.

Ben Woody, Planning Director, reviewed the request.

The text amendment, submitted by Terry Miles of Crabbies Restaurant, proposes to allow off-premise directional signage for businesses located adjacent to the Atlantic Intracoastal Waterway. This request is being reviewed as an amendment to the new Unified Development Ordinance (UDO).

Crabbies Restaurant has an existing 54 square foot off-premise directional sign located at the intersection of Worth Guard Road and US 158. This sign was permitted under a previous sign ordinance and is nonconforming under current zoning requirements. Mr. Miles has expressed an interest in replacing the existing sign with a larger, more visible sign. Staff advised Mr. Miles that replacement of the nonconforming sign within existing dimensions is allowable; however, an increase in total square footage requires an amendment to the sign ordinance.

The amendment submitted by Mr. Miles requests a maximum size of 100 square feet, which is an increase of 46 square feet over the existing Crabbies sign. During the drafting

process staff encouraged Mr. Miles to narrow the scope of the amendment by proposing authorization by the Board of Commissioners and that the business site be located adjacent to the Atlantic Intracoastal Waterway (similar standards were included in a previous sign ordinance, although the allowable square footage was significantly less).

While staff is sympathetic to the difficult economic times that exist for businesses, increasing the dimensions and frequency of off-premise directional signage is not consistent with the policy objectives of the 2006 Land Use Plan (Policies CA1, CA4, CA5). Policy CA5 states: "...that an attractive, less commercialized landscape, particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional billboards and off-site advertising signs shall not be permitted in Currituck County."

The amendment proposed by Mr. Miles is narrow in scope, but due to the policy direction included in the Land Use Plan, staff cannot support a text amendment that creates a precedent for increasing off-premise signage.

As a visual representation, staff has enclosed photographs that illustrate the existing Crabbies off-premise directional sign in relation to the proposed size increase.

The Planning Board recommended **approval** of PB 12-13 as presented.

PLANNING BOARD DISCUSSION (6/12/12)

Mr. Miles stated NCDOT has put up a large message board sign which makes it hard to see his present sign. Mr. Miles stated the economy is destroying the restaurant business and he is trying to survive. A larger sign will be more visible for people to see since his restaurant is tucked away. Mr. Miles stated he brought this piece of land from the state which the sign is on; and paid \$2,500 for this piece of grass. Mr. Miles stated if the county wants some more tax dollars from him, then they can help by getting more business to him with a larger sign, so he can send some more tax money to the county. Mr. Miles stated he is trying to do it legally and there are so many illegal signs up and down the corridor. Ms. Newbern asked Mr. Miles if he has tried to get a billboard.

Mr. Miles stated one is not available coming in his direction; and if one was available, he could not afford one.

Mr. Clark asked staff if there are illegal signs on the corridor.

Mr. Woody stated it is a daily challenge and staff does enforce the ordinance.

PLANNING BOARD ACTION

Mr. Cooper moved to approve PB 12-13 as presented. Ms. Wilson seconded the motion. Ayes: Mr. Bell, Mr. Cartwright, Mr. Cooper, Ms. Newbern, Ms. Wilson, Ms. Everhart and Mr. Clark. Nays: Mr. Wright.

Chairman Rorer opened the public hearing.

Commissioner Aydlett stated he is not against the sign but had concerns about its fairness.

Commissioner O'Neal stated that this is allowed for businesses on the intracoastal waterway only.

Chairman Rorer has concerns with limiting other businesses.

Terry Miles, applicant, is requesting the larger sign because business has been off and this sign would allow for people to know where he is located.

Tammy Hamilton, supports the request for a larger sign. There being no further comments, Chairman Rorer closed the public hearing.

Commissioner Petrey moved to approve due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Commissioner O'Neal seconded the motion. Motion carried.

B) Public Hearing and Action: PB 12-05 Currituck County: Request a text amendment to correct and clarify language in the following chapters of the new Unified Development Ordinance: Chapter 2: Administration, Chapter 4: Use Standards, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, Chapter 8: Nonconformities, Chapter 10: Definitions and Measurements.

Ben Woody, Planning Director, reviewed the request.

The text amendment submitted by the Currituck County Planning and Community Development Department is intended to clarify and revise miscellaneous sections of the new Unified Development Ordinance (UDO). The proposed revisions were suggested by the public, Planning Board, and staff, and have been discussed with the Planning Board or Board of Commissioners at previous meetings. The revisions correct and clarify the identified sections in the new UDO as it relates to:

1. Allowing duplexes in the SFM district on lots over 20,000 square feet with a zoning compliance permit, and requiring duplexes to be reviewed as a minor site plan.
2. Deleting "global climate change" from sustainability incentives purpose statement.
3. Allowing a reduction of required subdivision water access for subdivision with a small amount of linear water frontage.
4. Requiring recreational equipment storage only for subdivisions of 20 or more lots with an average lot size less than 20,000 square feet.
5. Requiring the reserve fund dedicated for maintenance for subdivisions to be based on a percentage of construction cost and not a fixed dollar amount.
6. Requiring that development of existing camper subdivision meet CAMA setbacks or exemption.
7. Exempting CAMA-designated wetlands from density calculations.
8. Requiring new lots be established on a public or private right-of-way unless accessed through common area (e.g. multi-family and shopping center developments).
9. Clarifying uses requiring a use permit.
10. Requiring Sandwich/Tent signs be displayed only from October 1st thru May 15th.
11. Adding a definition for dwelling unit.

12. Clarifying mail notice requirements.
13. Requiring connection fees to the county water system to be paid at building permit issuance.
14. Clarifying development included in lot coverage calculations.
15. Requiring appeal applications to be completed within the appeal window specified in the UDO.
16. Clarifying required permits for accessory uses and requiring incidental child care to be consistent with State regulations.
17. Allowing structures in a Special Flood Hazard Zone to be elevated above the height limit.
18. Requiring, when practicable, Board of Adjustment members to first be appointed as alternates until such time a regular seat opens.

The Planning Board recommended **approval** of PB 12-05 as presented #1-18 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development.

PLANNING BOARD DISCUSSION (6/12/12)

Mr. Woody provided an overview of PB 12-05, #1 through #18. Staff was directed by the Planning Board to bring example language for:

- Fencing standards for the off-road area;
- Accessory use standards for ponds less than one acre in size; and
- Zoning district description for the Single-Family Residential (SFR) and Village Center (VC) districts.

PLANNING BOARD ACTION

Ms. Newbern moved to approve PB 12-05 as presented #1-18 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly growth and development. Ms. Everhart seconded the motion. Motion carried unanimously.

Chairman Rorer opened the public hearing. There being no comments, he closed the public hearing.

Commissioner Gilbert moved to approve due to its consistency with the 2006 Land Use Plan and the request is reasonable and in the public interest and promotes orderly

growth and development. Commissioner Martin seconded the motion. Motion carried.

New Business

A) Board Appointments:

1. Appointment to East Albemarle Regional Library (EARL)

Commissioner O'Neal moved to appoint George Gregory. Commissioner Gilbert seconded the motion. Motion carried.

B) Consent Agenda:

1. Grant Project ordinance for 2011 CDBG Scattered Site Housing Grant
2. Charge Levy on Motor Vehicles for March Renewals to Tax Collector
3. Resolution authorizing signatures for CDBG funding requisitions
4. Approval of July 2, 2012 Minutes

Commissioner Martin moved to approve. Commissioner Gilbert seconded the motion. Motion carried.

**CURRITUCK COUNTY FY 11 COMMUNITY DEVELOPMENT PROGRAM
SCATTERED SITE HOUSING**

GRANT PROJECT ORDINANCE

Be it ordained by the Currituck County Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Ordinance is hereby adopted:

Section 1. The project authorized is the Community Development Project described in the work statement contained in Grant Agreement 11-C-2308 between the County and the North Carolina Department of Commerce. This project is known as the Currituck County Scattered Site Housing Project.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the North Carolina Department of Commerce and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

Community Development Block Grant	\$ 400,000
Total	\$ 400,000

Section 4. The following amounts are appropriated for the project:

Clearance Activities	\$ 37,500
Reconstruction	297,750
Rehabilitation	24,750
Planning	7,000
Administration	<u>33,000</u>
Total	\$ 400,000

Section 5. The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the Grant Agreement and Federal and State regulations.

Section 6. Upon submission of vendor invoices, the County will make payments to vendors according to the invoice payment schedule published on the County website. The County will pay invoices in advance and requisition the State for reimbursement for payments made. Compliance with all federal and state procurement regulations is required.

Section 7. The Finance Director is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Finance Director is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to the Board of Commissioners.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Finance Director for direction in carrying out this project.

**Resolution to Accept Award of
FY 11 CDBG Scattered Site Housing Grant 11-C-2308**

WHEREAS, the County of Currituck has received a Grant Agreement and Funding Approval for \$400,000 from the NC Department of Commerce, Community Investment

and Assistance for the FY 2011 CDBG Scattered Site Housing Grant 11-C-2308 for housing rehabilitation activities.

THEREFORE, BE IT RESOLVED that the County of Currituck accepts the grant award and authorizes the following employees to sign Requisition for Funds Forms:

Sandra L. Hill, Finance Director

Daniel F. Scanlon II, County Manager

Bridget Brinkley, Fiscal and Budget Assistant

Ben Woody, Planning Director

C) Commissioner's Report

Commissioner Martin reminded the citizens tomorrow is election day and get out and vote.

Commissioner Etheridge commented on the fireworks display at the Whalehead Club on July 4.

Commissioner O'Neal requested an update on the Moyock Small Area Plan for recreation. A meeting is scheduled for August or September.

Commissioner Aydlett commented on the Knotts Island Peach Festival.

Commissioner Petrey stated that the dredging of the Whalehead basin is an ongoing effort.

Commissioner Gilbert commended staff on their work for the July 4th celebration.

Chairman Rorer stated that the traffic on the 4-wheel area has improved.

D) County Manager's Report

No comments

Closed Session

Pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and to receive advice from the county attorney regarding a potential claim against the county and for the following pending lawsuits: Minnick v. Currituck County et al.; Etheridge v. Currituck County et al.; R.F. London, Inc. v. Currituck County et al. and Freidman et al. v. Currituck County et al.

Commissioner Gilbert moved to go into closed session as stated above. Commissioner Aydlett seconded the motion. Motion carried.

Adjourn

After reconvening from closed session, no action was taken. There being no further business, the meeting adjourned.